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UNH Study Shows Only 25 Percent of Those Convicted of Felony Drug Crimes in New Hampshire Serve Jail Time

By [Sharon Keeler](#)
UNH News Bureau

DURHAM, N.H. -- New Hampshire spends between \$25 million and \$35 million annually enforcing drug laws. Yet, according to a University of New Hampshire study, only 25 percent of those convicted of felony drug crimes ever serve any prison time.

The study, "Estimating the Costs of Drug Law Enforcement in New Hampshire," is based on 1996 data, the most recent year for which statistics are available. It reveals that 260 felony drug arrests were made and 232 of the charges were prosecuted. Of those defendants all were convicted, yet only two faced jury trials. The remaining cases involved either a violation of probation/parole or negotiated pleas, the latter representing 92 percent of all felony drug case dispositions.

Of those defendants found guilty, 174 received no jail time and were placed on probation. The average sentence received by those incarcerated was 52 months. In New Hampshire, the average prisoner serves 41 percent of his or her sentence; an individual arrested for a felony drug crime can expect to spend four months and 23 days in jail.

"The study illustrates the cost involved in enforcing drug laws," says John Tommasi, instructor of economics in UNH's Whittemore School of Business and Economics and the study's author. "The state's incarceration rate is significantly lower than the rest of the nation, which averages 81 percent. As a result, criminals realize there is a good chance that, if they are arrested, they won't be going to jail. So the punishments, although they are severe if applied, are not serving as deterrents."

Despite the short jail terms served, New Hampshire's penalties for drug-related crimes are strict. Possession of 5 ounces of narcotics (not marijuana) is subject to a \$500,000 fine and not more than 30 years in prison, for example. Possession of one-half ounce of crack cocaine, 5 pounds of marijuana, or less than 5 grams of a narcotic is subject to a \$300,000 fine and not more than 20 years in jail.

Tommasi, who conducted the study as a graduate student for the Whittemore School's Center for Business and Economic Research, is a Salem police officer with 21 years of experience. Currently patrol sergeant, he was assigned from 1987 to 1988 to the New Hampshire Drug Task Force.

According to Tommasi's study, the estimated costs of New Hampshire's drug enforcement (1996) can be broken down as follows:

- Prisons -- \$12.5 million
- Prosecution -- \$2.9 million
- Courts -- \$4.3 million
- Probation & Parole -- \$ 736,000
- Law enforcement -- \$5.4 million to \$15.5 million (range determined from survey of police chiefs, who estimated they spent 3 to 10 percent of their budgets on drug-related law enforcement)
- Total budgetary costs -- \$25 million to \$35 million

The state's war on drugs, says Tommasi, has increased the number of incarcerated drug offenders, yet no significant impact has been made on stemming drug dealing.

"The world of drug dealing is Darwinian," he says. "It's survival of the fittest. The dumb, unsophisticated ones have been arrested. Yet the jail time they receive does little to outweigh the economic gain. The legislature has done its part developing severe penalties, however the ball is being dropped. County attorneys are letting defendants off easily in dealing away cases."

Tommasi's study shows that increasing the amount of money spent on drug law enforcement is not necessarily the answer, and is unlikely to yield a significant increase in arrests. He says increasing the length of prison sentences may act as a deterrent to some dealers,

but state budgetary outlays on prison costs would need to rise substantially.

"This research suggests that the current costs of enforcing our drug laws are very substantial," adds Richard England, UNH professor of economics and director of the Center for Business and Economic Research. "At the same time, those who sell drugs illegally are not likely to be deterred by the current probability of imprisonment. We need to ask whether even tougher enforcement of drug laws, and the associated budgetary costs and threats to civil liberties, are our only public policy options."

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